



PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Hiroshi Kaiiyama et al.

Group Art 1771

Serial No.: 10/018,732

Examiner: Jenna-Leigh Befumo

Filed: December 18, 2001

For: POLYLACTIC ACID RESIN, TEXTILE PRODUCTS OBTAINED THEREFROM
AND PROCESSES FOR PRODUCING TEXTILE PRODUCTS

Mail Stop: Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO
RESTRICTION REQUIREMENT PURSUANT TO 37 C.F.R. § 1.121

Sir:

This is in response to the second Office Action issued April 8, 2004 for which a response period of one month was set. The present response is timely.

ELECTION

Applicants traverse the restriction requirement as being not in accordance with 35 U.S.C. §§121 and 372. However, in compliance with the rules, Applicants elect the invention of Group II, claims 5-11.

RESPONSE TO RESTRICTION

The Examiner has rescinded the prior restriction requirement issued October 8, 2003. A new restriction requirement is imposed restriction under 35 U.S.C. §§ 121 and 372. The Examiner's position is that the claims are not so linked as to form a

single general inventive concept under PCT Rule 13.1 requiring unity of invention.

The groups were delineated as follows:

- I. Claims 1-4 and 12-44, drawn to a polylactic acid resin comprising at least 95% or more of the L-isomer.
- II. Claims 5-10, drawn to a polylactic acid multifilament comprising at least 98% or more of the L-isomer.
- III. Claims 45-65, drawn to a polylactic acid false twisted yarn comprising a monomer content in the polylactic acid of 0.5% or less.
- IV. Claims 66-71, drawn to a polylactic acid binder yarn/fiber comprising 90% or more of the L-isomer.
- V. Claims 72-75, drawn to a non-woven fabric made from a sheath/core fiber comprising a core component made from a polylactic acid composition to a sheath component which includes a polylactic acid composition blended with a second polymer.

It is the Examiner's position that the claims as grouped above lack a general inventive concept because each group of claims recite different technical features.

Applicants traverse the restriction requirement as being improper and request the withdrawal of the requirement for the following reasons. The present application is directed to an invention of a to a polylactic acid composition comprising at least 95% of the L-isomer and the application of this polymer in the making of fibers, yarns and fabrics. The fibers are multifilaments, monofilaments, flat yarn, binder yarn, false twisted yarn and a non-woven fabric with a sheath/core fiber structure. Thus, there is a core inventive concept.

Under 35 U.S.C. § 121, claims may be restricted if the groups of claims are patentably distinct. In the present case, the claims are linked by the fact that the fibers are made of a polylactic acid with at least 95%, the yarns are made from such fibers. Since the claims are linked, they should be examined together. Moreover,

there is no burden of search for the groups delineated. Thus, the requirement is improperly imposed and should be withdrawn.

Applicants believe that at least the claims directed to the resin and the claims directed to the fibers and yarns make therefrom should be examined together since they are of one single general inventive concept.

The courtesy extended by the Examiner during the telephone interview is deeply appreciated.

Respectfully submitted,

Dated: May 7, 2004



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